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6 Attorneys for Plaintiffs  
7 BROCADE COMMUNICATIONS SYSTEMS, INC. AND  
FOUNDRY NETWORKS, LLC

8  
9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12  
13 BROCADE COMMUNICATIONS  
SYSTEMS, INC., a Delaware corporation,  
14 and FOUNDRY NETWORKS, LLC, a  
Delaware limited liability company,

15 Plaintiffs,

16 v.

17 A10 NETWORKS, INC., a California  
18 corporation, LEE CHEN, an individual,  
RAJKUMAR JALAN, an individual, RON  
19 SZETO, an individual, LIANG HAN, an  
individual, STEVEN HWANG, an individual,  
20 and DAVID CHEUNG, an individual,

21 Defendants.  
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Case No. C10-03428 LHK

**[PROPOSED] STIPULATED ORDER  
ON CASE MANAGEMENT, AS  
MODIFIED**

[PROPOSED] STIPULATED ORDER  
ON CASE MANAGEMENT  
CASE No. 10-CV-03428-LHK

WHEREAS, Plaintiffs Brocade Communications Systems, Inc. and Foundry Networks, LLC and Defendants A10 Networks, Inc., Lee Chen, Rajkumar Jalan, Ron Szeto, Steven Hwang and Liang Han (“the A10 Defendants”) have jointly requested entry of this [Proposed] Case Management Order; and

WHEREAS, the Court has reviewed and approved the terms of this Order,  
The Court HEREBY ORDERS as follows:

**Plaintiffs’ Third Amended Complaint**

1. Plaintiffs are granted leave to file their Third Amended Complaint. Plaintiffs filed their Third Amended Complaint on April 29, 2011;
2. Cheung’s Answer to Plaintiffs’ First Amended Complaint shall be deemed to be Cheung’s Answer for Plaintiffs’ Third Amended Complaint. The A10 Defendants shall respond to the Third Amended Complaint in the time period set in the Federal Rules of Civil Procedure;

**Source Code Review/Protective Order**

3. A10, Brocade and Foundry shall produce source code at a mutually agreeable third party location by May 31, 2011. For purposes of the Copyright claim, the parties will be permitted to perform source code comparisons at this third party location and the results of all source code comparisons will be saved and made available to A10, Brocade and Foundry electronically. Each party’s source code will be kept at the third party facility until the source code comparisons are completed. Because each party will be permitted to observe source code comparisons performed by the other party, the parties shall confer and agree to a mutually acceptable schedule as to when these comparisons will be run;
4. After each party has fully performed all source code comparisons and obtained all results from these comparisons, all subsequent source code review will take place at the offices of outside counsel for the party producing source code on three (3) days’ notice from 9 a.m. to 5 p.m.;

5. The parties will submit a stipulated protective order to the Court by May 6, 2011. The parties' stipulated protective order shall include the provisions regarding source code review set forth in this Stipulated Order. In addition, the prosecution bar provision of the parties' stipulated protective order will provide that lawyers employed by outside litigation counsel for either party, upon any access to the confidential information of the other party in this litigation shall not be involved in the prosecution of any reexamination regarding the Patents-in-Suit. The prosecution bar shall be limited only to the prosecution of patents claiming load balancing, Network Address Translation (NAT), cookies, or High Availability;

**Procedure for Discovery Motions**

6. All motions to compel will be heard by this Court;
7. The parties will meet and confer before raising any discovery dispute to this Court. Before raising any discovery dispute to this Court, lead trial counsel and shall be meet and confer in person;
8. Should the parties fail to resolve a discovery issue, they will contact the Court for a hearing on the discovery motion. The complaining party shall be permitted no more than three (3) pages for any discovery motion served at least twenty-one (21) court days before the hearing. The opposing party may serve an opposition paper of no more than three (3) pages at least fourteen (14) days before the hearing. No reply briefs will be permitted. Lead trial counsel shall argue all discovery motions. Attorneys' fees and costs may be awarded if the losing party's position was not substantially justified, pursuant to Federal Rule of Civil Procedure 37(a)(5);

**Case Management Schedule**

<p>Last day for the Plaintiffs to serve amended Patent Local Rule 3-1 Infringement Contentions identifying no more than fifty (50) asserted claims from the asserted patents in the Third Amended Complaint.</p>	<p>May 12, 2011</p>
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3	Last day for the A10 Defendants to be permitted to inspect the AX 5200 device in the possession of Orrick, Herrington and Sutcliffe LLP. Plaintiffs agree not to reverse engineer the AX 5200. Plaintiffs will only perform testing of the AX 5200 at Plaintiffs' facility with Defendants' counsel and consultant present.	May 26, 2011
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7	Last day for Plaintiffs to identify with particularity no more than twenty (20) categories of asserted trade secrets.	May 31, 2011.
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9	Last day for the A10 Defendants to produce all source code.	May 31, 2011.
10		
11	Last day for Brocade and Foundry to produce source code for use in the automated comparisons described in ¶3.	
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13	Last day for the A10 Defendants to serve their Invalidity Disclosures and Accompanying Document Production pursuant to Patent Local Rules 3-3 and 3-4.	June 27, 2011
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16	Last day for the Plaintiffs and the A10 Defendants to exchange Proposed Terms of Construction as required by Patent Local Rule 4-1(a).	July 11, 2011
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19	Last day for the Plaintiffs and the A10 Defendants to exchange Preliminary Claim Constructions and Extrinsic Evidence as required by Patent Local Rule 4-2.	August 1, 2011
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21	Case Management Conference.	August 24, 2011 at 2 p.m
22		
23	Last day for the parties to jointly file a Joint Claim Construction Statement as required by Patent Local Rule 4-3.	August 26, 2011
24		
25	End of Claim Construction discovery as required by Patent Local Rule 4-4.	September 26, 2011
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27	Last day for the Plaintiffs to file their opening claim construction brief and supporting evidence as required by Patent Local Rule 4-5(a).	October 11, 2011
28	Last day to file summary judgment motions for	

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2	which claim construction will be dispositive.	
3	Last day for the A10 Defendants to file their responsive brief and supporting evidence as required by Patent Local Rule 4-5(b).	November 8, 2011
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5	Last day to file oppositions to summary judgment motions for which claim construction will be dispositive.	
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7	Last day for the Plaintiffs to file their reply brief and rebuttal evidence as required by Patent Local Rule 4-5(c).	November 22, 2011
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9	Last day to file summary judgment replies for summary judgment motions for which claim construction will be dispositive.	
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11	Last day for the parties to file their submissions for the Technology Tutorial in connection with Claim Construction.	December 5, 2011
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13	The parties shall meet and confer as necessary concerning the format or any limitations regarding their respective submissions.	
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15	Technology Tutorial hearing	December 12, 2011 at 12:00 p.m.
16		
17	Claim Construction hearing as required by Patent Local Rule 4-6. The Court will construe no more than ten (10) claim terms.	December 19, 2011 at 12:00 p.m.
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19	Hearing on motions for summary judgment that will be decided by the Court's Claim Construction decision.	
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21	Case Management Conference.	February 15, 2012 at 2 p.m.
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23	Last day for the parties to engage in private mediation.	April 2, 2012
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25	Case Management Conference	May 2, 2012 at 2 p.m.
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27	Pre-Trial Conference	June 20, 2012 at 2 p.m.
28		All pretrial disclosures shall be made in the manner set forth in the Federal and Local Rules as well as this Court's Standing Order
	First day of Trial	July 16, 2012 at 9:00 a.m.

Parties are referred to private mediation to be completed by April 2, 2012.

**IT IS SO ORDERED.**

Dated: May 9, 2011

  
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THE HONORABLE LUCY H. KOH  
UNITED STATES DISTRICT COURT JUDGE

Dated: May 4, 2011

ORRICK, HERRINGTON & SUTCLIFFE LLP

/ s /

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FABIO E. MARINO  
Attorneys For Plaintiffs  
BROCADE COMMUNICATIONS SYSTEMS, INC.  
AND FOUNDRY NETWORKS, LLC

Dated: May 4, 2011

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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SCOTT R. MOSKO  
Attorneys for Defendants  
A10 NETWORKS, INC., LEE CHEN, RAJKUMAR  
JALAN, RON SZETO, LIANG HAN, AND  
STEVEN HWANG

*Concurrence in the filing of this document has been  
obtained from each of the other signatories pursuant to  
General Order 45(X)(B).*